

REMARKS / DISCUSSION OF ISSUES

Claims 1-11 and 13 are pending in the application.

The applicants thank the Examiner for acknowledging the claim for priority and receipt of certified copies of all the priority documents, and for advising the applicants that the drawings are acceptable.

Claims are amended for non-statutory reasons: to correct one or more informalities, remove figure label numbers, and/or to replace European-style claim phraseology with American-style claim language. The claims are not narrowed in scope and no new matter is added.

The Office action objects to the Title of the invention. A replacement Title is included herein.

The Office action rejects claim 11 under 35 U.S.C. 101. The applicants respectfully request the Examiner's reconsideration of this rejection in view of this amendment.

The Office action rejects claims 1-11 and 13 under 35 U.S.C. 102(e) over van der Brug (USPA 2006/0204215, hereinafter Brug). The applicants respectfully traverse this rejection.

MPEP 2131 states:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, upon which each of claims 2-8, 11, and 13 depend, claims a method of retrieving data objects that includes determining whether a selected first data object is stored fragmented over multiple allocation units, and retrieving a second data object if the selected first data object is stored fragmented over multiple allocation units. Claim 9, upon which claim 10 depends, includes similar limitations.

Brug fails to teach determining whether a selected first data object is stored fragmented over multiple allocation units, and fails to teach retrieving a second data object if the selected first data object is stored fragmented over multiple allocation units, as specifically claimed in independent claims 1 and 9.

Brug teaches retrieving data objects based on the distance of the data objects from the pick-up unit. If a second data object is closer to the pick-up unit than an originally targeted first data object, it is retrieved in lieu of the first data object. Brug is silent with regard to determining whether the data objects are fragmented, and does not select the second data object based on whether the first data object is fragmented.

The Office action asserts that Brug teaches selecting a second data object based on whether a first data object is fragmented at paragraph [0034]. The applicants respectfully disagree with this assertion. As Brug teaches:

"[0034] FIG. 2 shows the locations of a first intra-coded frame 202, a second intra-coded frame 204, a third intra-coded frame 206 and a fourth intra-coded frame 208. The intra-coded frames in FIG. 2 are consecutive intra-coded frames. The second intra-coded frame 204 should be retrieved for rendering, since it is the 32<sup>nd</sup> frame after the previous rendered frame. However, the third intra-coded frame 206 is **closer to the pick-up unit** 120 and can be retrieved fastest. Therefore, in the method according to the invention, the pick-up unit retrieves the third intra-coded frame for rendering." (Brug [0034], emphasis added.)

As is clearly evident, this cited text does not teach retrieving data objects based on whether the data object is fragmented, and clearly states that Brug teaches retrieving data objects based on their proximity to the pick-up unit.

Because Brug fails to teach each of the elements of the applicants' independent claims, the applicants respectfully maintain that the rejection of claims 1-11 and 13 under 35 U.S.C. 102(e) over Brug is unfounded, per MPEP 2131, and should be withdrawn.

In view of the foregoing, the applicants respectfully request that the Examiner withdraw the rejections of record, allow all the pending claims, and find the application to be in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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